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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,265	12/18/2001	Chandrasekar Krishnamurthy	81862P253	5696

7590 10/24/2005  
Lester J. Vincent  
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12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER
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PEZZLO, JOHN

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

(X)

<b>Office Action Summary</b>	<b>Application No.</b> 10/025,265	<b>Applicant(s)</b> KRISHNAMURTHY ET AL.	
	<b>Examiner</b> John Pezzlo	<b>Art Unit</b> 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 20-23 and 36 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9, 10, 12, 14, 26-29, 33, 34, 37, 38 and 41 is/are rejected.
- 7) ☐ Claim(s) 5-8, 11, 13, 15-19, 24, 25, 30-32, 35, 39, 40 and 42-48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 24 is objected to because of the following informalities: Claim 24, which is a method claim, depends from claim 26, which is an apparatus claim. (The examiner assumes claim 24 depends from claim 20.) Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1-4, 12, 14, 26-29, 37, 38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (US 6,724,881 B1) hereinafter McAllister.

1. Regarding claims 1, 26, 27, 37, and 41 – McAllister discloses providing a connection between a plurality of clients using a plurality of nodes coupled together through a plurality of trunks, refer to Figures 1B, 2, and 3 and column 3 lines 54 to 67 and column 4 lines 1 to 8 and column 4 lines 45 to 65 and column 6 lines 9 to 44.

McAllister does not expressly disclose automatically adjusting utilization capacity (bandwidth) of the plurality of trunks using standards-based signaling (PNNI).

At the time of the invention, it would have been obvious to an ordinary person of skill in the art to incorporate into McAllister automatically adjusting utilization capacity of the plurality of trunks using standards-based signaling (PNNI). The suggestion/motivation for doing so would have been that McAllister does disclose utilizing standards-based signaling (PNNI) to set-up and route paths (trunks) through the network to provide a connection based on meeting a maximum permissible value (bandwidth), refer to Figures 2 and 4 and column 5 lines 21 to 46 and column 6 lines 9 to 44 and lines 55 to 67 and column 7 lines 1 to 22. The benefit being that the capacity (bandwidth) of each path would be updated to reflect the present usage of the links in the network so additional paths could be set-up using the latest and most reliable data.

2. Regarding claims 2, 28, 29, and 38 – McAllister discloses the standards-based signaling is private network-to-network interface (PNNI) protocol signaling, refer to column 6 lines 9 to 30.

3. Regarding claim 3 – McAllister discloses the adjusting is performed for a call connection between a plurality of clients (bearer channels), refer to Figures 1A, 1B, and 1C and column 4 lines 45 to 65.

4. Regarding claim 4 – McAllister does not expressly disclose the adjusting comprises assigning a percentage utilization factor.

At the time of the invention, it would have been obvious to an ordinary person of the skill in the art to assign a percentage utilization factor to the adjusting process.

The suggestion/motivation for doing so would have been that McAllister discloses providing bandwidth between exchanges and a bandwidth metric and signaling using PNNI and providing a field in the message to report the message, refer to column 4 lines 46 to 65 and column 5 lines 30 to 46 and column 6 lines 55 to 67. The benefit being that the exchanges would know what is the actual usage of bandwidth in order to accommodate additional users or added bandwidth to existing users if requested.

5. Regarding claim 12 – McAllister discloses receiving a call setup request from a client, refer to Figure 1A and column 3 lines 54 to 67 and column 4 lines 1 to 9 and column 5 lines 4 to 21.

McAllister discloses evaluating a path in the networking environment for transmitting the requested call, refer to Figure 1A and column 3 lines 54 to 67 and column 4 lines 1 to 9 and column 5 lines 4 to 21.

McAllister discloses transmitting the requested call over the evaluated path, refer to Figure 1A and column 3 lines 54 to 67 and column 4 lines 1 to 9 and column 5 lines 4 to 21.

6. Regarding claim 14 – McAllister discloses selecting a path based on network resources available at the time of the call setup request from the client, refer to Figure 1B and column 3 lines 54 to 67 and column 4 lines 1 to 9 and column 5 lines 21 to 46.

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II. Claims 9, 10, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (US 6,724,881 B1) hereinafter McAllister in view of Aboul-Magd et al. (US 6,490,249) hereinafter Abhoul.

1. Regarding claims 9, 33 – McAllister does not expressly disclose overbooking a trunk to maximize utilization of the trunk capacity.

Aboul discloses overbooking a trunk to maximize utilization of the trunk capacity, refer to column 8 lines 22 to 36.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine McAllister with Aboul to provide overbooking a trunk to maximize utilization of the trunk capacity.

The suggestion/motivation for doing so would have been that the goals of McAllister are to provide the best connection to each user and overbooking a trunk will insure that each trunk is utilized to the maximum, which will accommodate the most users.

2. Regarding claims 10, 34 – McAllister does not expressly disclose monitoring a trunk for determining the utilization capacity of the trunk.

Aboul discloses taking measurements (monitoring) to determine trunk capacity, refer to column 3 lines 38 to 45 and column 7 lines 59 to 67.

At the time of the invention, it would have been obvious to an ordinary person of skill in the art to combine McAllister with Aboul to monitor a trunk for determining the utilization capacity of the trunk.

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The suggestion/motivation for doing so would have been that McAllister discloses providing bandwidth for each connection therefore by measuring (monitoring) the actual trunk capacity less errors will be made in providing bandwidth to a user.

### ***Allowable Subject Matter***

Claims 20-23 and 36 are allowable over the prior art of record.

Claims 5-8, 11, 13, 15-19, 30-32, 35, 39, 40, and 42-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Anbiah et al. (US 6,690,671 B1) discloses a load balanced UBR routing in ATM networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

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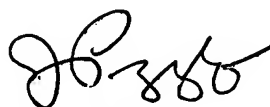
2A15

500 Dulany Street

Alexandria, VA, 22313.

John Pezzlo

18 October 2005

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**